

ARKANSAS COURT OF APPEALS
NOT DESIGNATED FOR PUBLICATION
LARRY D. VAUGHT, JUDGE

DIVISION I

CACR06-920

June 27, 2007

NICKY NATHANIEL SMITH
APPELLANT

APPEAL FROM THE CRAWFORD
COUNTY CIRCUIT COURT
[CR-2004-630]

V.

HON. GARY RAY COTTRELL,
CIRCUIT JUDGE

STATE OF ARKANSAS
APPELLEES

AFFIRMED; MOTION TO
WITHDRAW GRANTED

On November 2, 2005, Nicky Nathaniel Smith pled nolo contendere to third-degree domestic battery, second offense. The trial court placed Smith on supervised release for a three-year period, subject to certain conditions. On February 9, 2006, the State filed a petition to revoke Smith's probation alleging that he failed to submit to DNA testing; failed to make several court-ordered payments; and failed to report for intake. On May 10, 2006, the trial court found that Smith was in violation of the terms and conditions of his probation, and Smith was sentenced to seventy-two months in the Arkansas Department of Correction.

Pursuant to *Anders v. California*, 386 U.S. 738 (1967), and Ark. Sup. Ct. R. 4-3(j), Smith's counsel has filed a motion to withdraw on grounds that the appeal is wholly without merit. The motion is accompanied by an abstract and addendum of the proceedings below, including all objections and motions decided adversely to Smith, and a brief in which counsel

explains why there is nothing in the record that would support an appeal. The clerk of this court provided Smith with a copy of his counsel's brief and notified him of his right to file a pro se statement of points for reversal within thirty days. Smith did not file a statement.

From our review of the record and the brief presented to us, we find compliance with Rule 4-3(j) and that the appeal is wholly without merit. Accordingly, counsel's motion to withdraw is granted, and the order is affirmed.

BIRD and BAKER, JJ., agree.